

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Dawan Pierce Thurmond,

Plaintiff, Case No. 17-cv-10088

v. Judith E. Levy
United States District Judge

Cove Map Fund, LLC, *et al.*,
Mag. Judge David R. Grand
Defendants.

_____/

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
TO DISMISS PLAINTIFF'S COMPLAINT [22] AND TO DENY
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER [26] AND DISMISSING CASE**

Before the Court are Magistrate Judge David Grand's Report and Recommendation that the Court *sua sponte* dismiss plaintiff's amended complaint (Dkt. 22) and his Report and Recommendation that the Court deny plaintiff's motion for a temporary restraining order and preliminary injunction against defendant Wells Fargo Bank. (Dkt. 26.)

Judge Grand's Report and Recommendation regarding the dismissal of the complaint was issued on February 8, 2017. Following

plaintiff's motion to extend the time to file objections, objections to the Report and Recommendation were due by March 6, 2017. (Dkt. 24.) Judge Grand's Report and Recommendation regarding denial of the motion for temporary restraining order and preliminary injunction was issued on February 27, 2017. The parties were required to file specific written objections to that Report and Recommendation within 14 days of service, or by March 13, 2017. Fed. R. Civ. P. 72(b)(2); E.D. Mich. Local R. 72.1(d).

Rather than file objections, on March 6, 2017, plaintiff filed a motion to withdraw his amended complaint pursuant to Fed. R. Civ. P. 41(a)(2). (Dkt. 29.) Rule 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Because Magistrate Judge Grand's Reports and Recommendations recommend dismissal of the complaint and the motion for a temporary restraining order, the Court will first review those before determining whether to grant plaintiff's motion to withdraw his complaint.

On review of the Reports and Recommendations, which are thorough and well-founded:

The Reports and Recommendations (Dkt. 22, 26) are ADOPTED;

Plaintiff's motion for a temporary restraining order and preliminary injunction against Wells Fargo Bank (Dkt. 11) is DENIED;

Defendant Cove Map Fund LLC's motion to dismiss (Dkt. 28) is DENIED AS MOOT;

Plaintiff's motion for leave to file a video in the traditional manner (Dkt. 8) is DENIED AS MOOT;

Plaintiff's motion to withdraw his complaint (Dkt. 29) is DENIED AS MOOT; and

This case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: March 21, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 21, 2017.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager

